



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Klaus DUECKER

Examiner: John D. Ulm

Serial No.: 10/049,569

Group Art Unit: 1646

Filed: February 15, 2002

Title: PGPCR-3 Polypeptides and DNA Sequences Thereof

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

In response to the Restriction Requirement dated January 20, 2004, Applicants hereby elect with traverse Group I, Claims 1 to 9 drawn to an isolated polypeptide, an isolated polynucleotide encoding that polypeptide, a vector and host cell containing that polynucleotide, and a method of making the claimed polypeptide by employing claimed host cell.

All the claims in the application involve related subject matter, e.g., PGPCR-3. A search would therefore comprise overlapping subject matter, and it would not be an undue burden on the examiner to carry out a search. "If search and examination of an entire application can be made without serious burden, the examiner *must* examine it on the merits, even though it includes claims to independent or distinct invention." (Emphasis added.) M.P.E.P. 803. Accordingly, withdrawal of the restriction is respectfully requested.

No fee is believed to be due with this response, however, the Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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Attorney Docket No.: MERCK-2378

Date: February 6, 2004